

Remarks/Arguments

Paragraphs [0003], [0004], [0006] and [0019] have been amended to correct the typos in the acronyms AST (automated shift transmission) and PST (parallel shift transmission).

Paragraphs [0006], [0007], [0013] and [0026] have been amended to remove ambiguous “and/or” references.

Paragraph [0007] has been amended to correct a typo in the word “wheel-sleep” which should read “wheel slip”.

Paragraph [0026] has been amended to clarify the acronym ESP to stand for Electronic Stability Program.

Claims 1-14 have been amended to clarify the claimed invention as rejected under 35 U.S.C. 112 and to accentuate the novelty over Nagaoka ‘222 as rejected under 35 U.S.C. 102(b).

Claims 15 and 16 have been added to address two wheel slip interventions in vehicles and to clarify the claimed invention in response to the rejection under 35 U.S.C. 112. Claims 17-20 have been added to clarify the twin-clutch transmission of the claimed invention in response to the rejection under 35 U.S.C. 112.

Claims 1-14 rejected under 35 U.S.C. 112 as being indefinite

The Examiner has rejected Claims 1-14 under 35 U.S.C. 112 as being indefinite. Claims 1-14 have been amended to remove confusing terminology such as “and/or” and undefined acronyms.

Claim 1 recites “a method for carrying out gear shifting in a twin-clutch transmission, comprising downshifting as a function of at least one predetermined vehicle wheel slip parameter.” The Examiner stated that “and” in line 1 is confusing, and “and/or” in line 2 does not recite equivalents. Both terms have been removed and replaced with more distinct terminology.

Claim 9 recites “the method as described in Claim 1, further comprising powering a pushing downshift by means of engine torque if a cold-weather program is activated, wherein said cold-weather program is at lease one predetermined vehicle wheel slip parameter.” The Examiner stated that “engine torque” was confusing in the original Claim 9. Claim 9 now distinctly states that if a cold-weather program is activated, engine torque provides the power for a pushing downshift.

Claim 12 recites “the method as described in Claim 2, further comprising increasing said wheel slip probability if at least one wheel slip intervention occurs.” The Examiner stated that “ASR (traction control)” is confusing, “and/or” does not recite equivalents and is therefore confusing, and that “ABS” is undefined in Claim 12. The confusing elements of Claim 12 have been removed, with the ASR and ABS elements moved into new Claims 15 and 16, respectively, in a distinct manner.

Claim 13 recites “a twin-clutch transmission comprising a transmission control device for carrying out downshifting as a function of at least one predetermined vehicle wheel slip parameter.” The Examiner stated that “and/or” does not recite equivalents and is therefore confusing. The “and/or” element has been removed.

Claims 1-14, now distinctly claiming the subject matter which applicant regards as his invention, are allowable upon which action is courteously requested.

Claims 1, 13 and 14 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,497,222 (Nagaoka et al.)

The Examiner has rejected Claims 1, 13 and 14 rejected under 35 U.S.C. 102(b) as being anticipated by Nagaoka et al. Applicant respectfully traverses the rejection.

“A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described in a single prior art reference.” *Vandergaal Bros. v. Union Oil of California*, 814 F.2d 628, 631; 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). MPEP §2131. (Emphasis added). Each and every element of the claims is not found either expressly or inherently described in Nagaoka et al.

The Examiner states that Nagaoka et al. show a control system for a twin clutch transmission wherein shifting is controlled by a vehicle parameter. Currently amended Claim 1 recites “a method for carrying out gear shifting in a twin-clutch transmission, comprising downshifting as a function of at least one predetermined vehicle wheel slip parameter.” Nagaoka et al. fail to disclose a method for downshifting in a twin-clutch transmission as a function of a wheel slip parameter. Nagaoka et al. disclose a clutch control in a multiple clutch type gear transmission. Shown especially in Figure 6(b), Nagaoka et al. disclose a shifting back mode in which a clutch is kept open if the engine speed is not increasing. This can result in wheel slip on

the road, teaching against the present invention. Nagaoka et al. fail to disclose downshifting as a function of at least one predetermined vehicle wheel slip parameter. Claim 1 is not anticipated by Nagaoka et al. because each and every element of Claim 1 is neither expressly nor inherently described in Nagaoka et al. Therefore, Claim 1 is allowable over Nagaoka et al.. Claims 2-12, 15 and 16, dependant upon Claim 1, enjoy the same distinction. Claims 1-12 are allowable over Nagaoka et al., upon which action is respectfully requested.

Currently amended Claim 13 recites “a twin-clutch transmission comprising a transmission control device for carrying out downshifting as a function of at least one predetermined vehicle wheel slip parameter.” For all of the same reasons recited for Claim 1, Claim 13 is allowable over Nagaoka et al. since Nagaoka et al. fail to disclose a method for downshifting in a twin-clutch transmission as a function of a wheel slip parameter. Claim 14, dependant upon Claim 13, enjoys the same distinction. Claims 13-14 are allowable over Nagaoka et al., upon which action is respectfully requested.

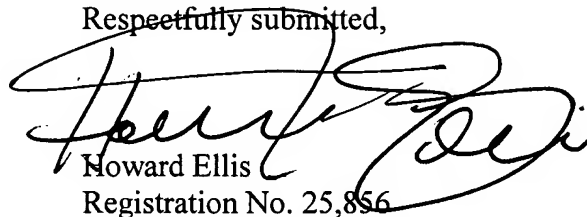
Claim 14 recites “the twin-clutch transmission as described in Claim 13, wherein said transmission control device can recognize said at least one predetermined vehicle wheel slip parameter.” Further, Claim 14 is allowable over Nagaoka since Nagaoka fails to disclose a transmission control device capable of recognizing at least one predetermined vehicle slip parameter (e.g., ASR, ABS or Cold-Weather program), upon which action is respectfully requested.

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Conclusion

Applicants respectfully submit that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Howard Ellis", is written over the typed name and registration number.

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